

HOUSE BILL No. 2010

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-30-17-4.1; IC 36-9-40.

Synopsis: Regional road authority. Allows a combination of counties and municipalities to create a regional road authority. Provides that 10% of the amounts credited to the state and local projects account of the build Indiana fund may be distributed only to regional road authorities. Directs the regional road authority to coordinate road work on roads that run between the governmental units belonging to the authority within the boundaries of the authority. Provides for membership and administration of the regional road authority. Corrects a reference to the commission for higher education.

Effective: July 1, 2001.

Scholer

January 17, 2001, read first time and referred to Committee on Ways and Means.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 2010

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-30-17-4.1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4.1. (a) **Except as**
3 **provided in subsection (c)**, money required to be credited to the state
4 and local capital projects account may be used only for state and local
5 capital projects or for deposit in a revolving loan fund that may only be
6 used for capital projects. Capital projects include the construction of
7 airports, airport facilities, and local street and road projects. A state
8 project is a capital project that is proposed by the state or the ~~higher~~
9 ~~education commission~~ **commission for higher education**. A local
10 project is a capital project proposed by a political subdivision. An
11 airport development project that is eligible for a grant or loan under
12 IC 8-21-11 is a local capital project.

13 ~~(d)~~ **(b)** The money required to be credited to the state and local
14 capital projects account must be used to promote the maximum use of
15 other funds for capital projects, including using local matching
16 requirements, the consideration of various kinds of credit
17 enhancements, and the remarketing of debt issues secured by money in

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the state and local capital projects account.

(c) Subject to appropriation by the general assembly, ten percent (10%) of each amount credited to the state and local capital projects account may be distributed only to regional road authorities that have requested funds. A request for funds under this subsection must be submitted to the budget agency in the form and manner required by the budget agency.

(d) Before October 1 of each year, the budget agency shall prepare a prioritized regional road authority project report and submit the report to the governor and the legislative council.

(e) Money appropriated for a regional road authority from the state or local capital projects account may not be expended until the regional road authority project is reviewed by the budget committee and approved by the governor upon the recommendation of the budget agency.

(f) Any regional road authority project not funded from the state and local capital projects account may be carried forward and included in the budget agency's regional road authority project report.

(g) At the end of each state fiscal year, money that is:

(1) described in subsection (c); and

(2) not distributed to a regional road authority;

reverts to the state and local projects account of the build Indiana fund.

SECTION 2. IC 36-9-40 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 40. Regional Road Authorities

Sec. 1. This chapter applies to counties and municipalities.

Sec. 2. As used in this chapter, "authority" means a regional road authority established by section 4 of this chapter.

Sec. 3. As used in this chapter, "board" refers to the regional road authority control board described in section 8 of this chapter.

Sec. 4. (a) The legislative bodies of:

(1) a county and one (1) or more municipalities located within the county; or

(2) two (2) or more adjoining:

(A) municipalities; or

(B) counties;

may, by the adoption of like ordinances, establish a regional road authority.

(b) An ordinance establishing an authority must include the

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following:

(1) An effective date.

(2) A designation of the area covered by the authority.

(3) A name for the authority.

(c) The words "regional road authority" must be included in the name of an authority established by ordinance.

Sec. 5. A regional road authority established under this chapter is responsible for coordinating the:

(1) construction of;

(2) improvement to;

(3) maintenance of; and

(4) financing of;

roads shared by members of the authority that lie within the boundaries of an area under the control of a regional road authority that is designated by an ordinance.

Sec. 6. An authority may be expanded to include one (1) or more additional adjoining counties or municipalities if resolutions approving the expansion are adopted by the legislative bodies of:

(1) the counties or municipalities to be added to the authority; and

(2) a majority of the counties and municipalities already in the authority.

Sec. 7. If the legislative body of a member of an authority finds that the member should be removed from the authority, the legislative body of the member shall adopt a resolution favoring the removal of the member from the authority. The resolution must establish a date upon which membership terminates, but that date must be at least six (6) months after the date of the adoption of the resolution. Removal of a member from an authority does not relieve the member from any obligations incurred on the member's behalf by the authority on a date when the member was in the authority.

Sec. 8. (a) Except as provided in subsection (b), an authority is under the control of a board consisting of:

(1) two (2) members appointed by the executive of each county that is a member of the authority; and

(2) one (1) member appointed by the executive of each municipality that is a member of the authority.

(b) An authority that includes a consolidated city is under the control of a board consisting of the following:

(1) Two (2) members appointed by the executive of the consolidated city.

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(2) One (1) member appointed by the board of commissioners of the county having the consolidated city.

(3) One (1) member appointed by the executive of each other county in the authority.

(4) One (1) member representing each municipality that is a member of the authority and located in a county other than a county containing a consolidated city.

(5) One (1) member representing the excluded cities located in a county containing a consolidated city that are members of the authority. The member shall be appointed by the executives of the excluded cities acting jointly.

Sec. 9. (a) The appointments required by section 8 of this chapter must be made not later than sixty (60) days after the adoption of the ordinance establishing the authority. If an appointing authority fails to make the required appointment within the sixty (60) day period, the circuit court having jurisdiction where the appointing authority is located shall make the appointment without delay.

(b) The term of office of a member of the board is four (4) years and continues until the member's successor has qualified for the office. A member may be reappointed for successive terms.

(c) A member of the board serves at the pleasure of the appointing authority.

Sec. 10. (a) Not later than ninety (90) days after the authority is established, the members shall meet and organize themselves as a board.

(b) At its first meeting and annually thereafter, the board shall elect from its members a chairperson, a vice chairperson who shall perform the duties of the chairperson during the absence or disability of the chairperson, and a secretary-treasurer. If the authority includes more than one (1) county, the chairperson and vice chairperson must be from different counties.

(c) The:

(1) regional planning commission serving the area containing the majority of the authority; or

(2) metropolitan planning organization, if an authority includes a consolidated city;

shall serve as staff to the board secretary-treasurer to record the minutes of all board meetings and keep the records of the authority.

(d) The board shall keep its maps, plans, documents, records, and accounts in a suitable office, subject to public inspection at all



1 reasonable times.

2 Sec. 11. (a) The board shall fix the time and place for holding
3 regular meetings, and it must meet at least once during each
4 quarter of a calendar year.

5 (b) Special meetings of the board may be called by the
6 chairperson or by two (2) members of the board upon written
7 request to the secretary-treasurer.

8 (c) The secretary-treasurer shall send to all members, at least
9 forty-eight (48) hours in advance of a special meeting, a written
10 notice fixing the time and place of the meeting.

11 (d) Written notice of a special meeting is not required if the time
12 of the special meeting has been fixed in a regular meeting.

13 Sec. 12. (a) A majority of the members appointed to the board
14 constitutes a quorum for a meeting.

15 (b) The board may act officially by an affirmative vote of a
16 majority of those present at the meeting at which the action is
17 taken.

18 Sec. 13. The members of the board are not entitled to a salary
19 but are entitled to an allowance for actual expenses and mileage at
20 the same rate as county officials in the county or municipality from
21 which the board member is appointed.

22 Sec. 14. The board shall appoint a qualified person to be
23 executive director of the authority. The executive director is the
24 chief executive officer of the authority.

25 Sec. 15. (a) The board shall appoint a person to act as controller
26 for the authority.

27 (b) The controller shall give bond in the sum and with the
28 conditions prescribed by the board, and with surety to the
29 approval of the board. The bond must be filed and recorded in the
30 office of the county recorder for the county that contains the most
31 area of the counties within the authority.

32 (c) The term of office of the controller is one (1) year, and the
33 controller may be appointed for additional terms of one (1) year.

34 (d) All money payable to the authority must be paid to the
35 controller, who shall deposit it in the manner prescribed by
36 IC 5-13-6. The money deposited may be invested under applicable
37 statutes, including IC 5-13-9.

38 (e) The controller shall keep an accurate account of all money
39 owing or due to the authority and all money received and
40 disbursed.

41 Sec. 16. The board may:

42 (1) sue and be sued in its name, as a municipal corporation;

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- (2) approve projects;
- (3) adopt an annual budget;
- (4) receive gifts, donations, bequests, and public trusts, agree to conditions and terms accompanying them, and bind the authority to carry them out;
- (5) receive federal or state aid and administer that aid;
- (6) employ the personnel necessary to carry out the duties, functions, and powers of the board;
- (7) adopt rules governing the duties of its officers, employees, and personnel and the internal management of the affairs of the board;
- (8) fix the compensation of the employees of the authority within the limitations of the total personal services budget; and
- (9) perform all other acts necessary or reasonably incident to carrying out the purposes of this chapter.

Sec. 17. The state board of accounts shall:

- (1) audit the records of the authority; and
- (2) prescribe or approve all accounting forms and records used by the authority.

Sec. 18. (a) The board shall prepare an annual budget for the authority's operating and maintenance expenses and necessary capital expenses. The authority's expenses must be apportioned to each participating county and municipality of the authority on a pro rata per capita basis.

(b) Each annual budget is subject to review and modification by the:

- (1) county board of tax adjustment serving the county that contains a majority of the area of the authority; and
- (2) state board of tax commissioners.

(c) The expenses of the authority shall be paid by each member out of the funds received by the member from the motor vehicle highway account.

Sec. 19. For each road project approved by the board, the authority may submit an application for funds from the build Indiana fund state and local capital projects account under IC 4-30-17-4.1.



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